UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,472	03/29/2001	Michael Eder	449122002000	4686

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EXAMINER
ZHEN, LI B

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/762,472	EDER ET AL.
	Examiner	Art Unit	
	Li B. Zhen	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 March 2001</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-11</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-11</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/7/2001</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1 – 11 are pending in the application.

Information Disclosure Statement

2.   The information disclosure statement filed February 7, 2001 fails to comply with

37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance,

as it is presently understood by the individual designated in 37 CFR 1.56(c) most

knowledgeable about the content of the information, of each patent listed that is not in

the English language. It has been placed in the application file, but the information

referred to therein has not been considered. An explanation of relevance is not

included for reference No. 3 and 4, which are not in the English language.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 5 – 9 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

5.   Claim 7 recites the limitation "wherein the application" in line 3. There is

insufficient antecedent basis for this limitation in the claim.

6.   Regarding claims 5 – 9, the phrase "signaling data and/or call data" renders the

claim(s) indefinite because it is unclear as to whether signaling data or signaling data

and call data or call data is exchanged.

7.   Claim 7 recites the limitation "identical different command sequences" in lines 1 –

2. This limitation is indefinite because it is unclear as to whether the command

sequences are identical or different. It is unclear as to how the command sequences

can be identical and different at the same time.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

9.   **Claims 1 – 5 and 7 – 11 are rejected under 35 U.S.C. 102(e) as being**

anticipated by U.S. Statutory Invention Registration No. H1,918 to Hoffpauir et al.

[hereinafter Hoffpauir].

10.   As to claim 1, Hoffpauir teaches a method for operating a terminal unit in an

exchange [telecommunications system 14, Fig. 2; col. 9, lines 25 – 50], in which

signaling for a first subscriber is carried out during execution of a first application

program [signaling application 56 provides the logic needed to provide signaling

functionality; col. 13, lines 35 – 60] by a processor [call processor 40 may be

implemented using a dedicated computer, such as a personal computer motherboard

using an Intel Pentium microprocessor; col. 10, lines 17 – 46] contained in the terminal

unit [call processor] wherein call processing between the first subscriber and a second

subscriber is carried out during execution of a second application program [call

processing application 54 includes various software objects…the BSC 50 is responsible

for management of the BTSs 20 and their radio interfaces with subscriber units 22,

including the allocation and release of radio channels; col. 14, lines 37 – 57], wherein

signaling data [col. 19, line 1 – 25], generated during signaling, at a message interface

[resource manager application 58 also provides an interface to resources of the

resource assembly 60 for the signaling application 56 as well as other elements, such

as the system controller application 94 and various elements of the NMS-S 70; col. 13,

line 60 – col. 14, line 36] are transferred to the second application program [assembly

60 with respect to the call processor 40 and enables different applications of the call

processor 40 to interface with resources of the resource assembly 60; col. 13, line 60 –

col. 14, line 36] by using an operating system for controlling the flow of the application

programs [call processor 40 may also operate under the control of an operating system

capable of processing real-time data; col. 10, lines 17 – 46],

and wherein call data, generated during call processing [call processing

application 54; col. 14, lines 37 – 57], at the message interface [resource manager

application 58; col. 14, lines 37 – 57] are transferred to the first application program by

using the operating system [col. 10, lines 17 – 46].

11.   As to claim 2, Hoffpauir teaches a method for operating terminal unit in an

exchange [col. 9, lines 25 – 50], in which signaling is carried out with the aid of a further

exchange by processor contained in the terminal unit [col. 16, line 55 – col. 17, line 5

and col. 17, lines 30 – 38] during execution of a first application program [signaling

application 56 provides the logic needed to provide signaling functionality; col. 13, lines

35 – 60], wherein call processing between the two exchanges is carried out during

execution of a second application program [call processing application 54 includes

various software objects; col. 14, lines 37 – 57], wherein signaling data [col. 19, line 1 –

25], generated during signaling, at a message interface [resource manager application

58; col. 13, line 60 – col. 14, line 36] are transferred to the second application program

[col. 13, line 60 – col. 14, line 36] by using an operating system for controlling the flow of

the application programs [col. 10, lines 17 – 46],

        and wherein call data, generated during call processing [call processing

application 54; col. 14, lines 37 – 57], the message interface [resource manager

application 58; col. 14, lines 37 – 57] are transferred to the first application program

using operating system [col. 10, lines 17 – 46].

12.   As to claim 3, Hoffpauir teaches the generated signaling data or the call data

contain messages with a prescribed structure [carry data in a predetermined format,

such as an E1 data format; col. 17, line 60 – col. 18, line 9].

13.   As to claim 4, Hoffpauir teaches the messages contain receiver identifier [name

of the receiver software object; col. 10, lines 47 – 57], or an address reference on a data

block with data to be transmitted, or a message identifier for distinguishing the different

messages, or a message type identifier for identifying the type of message, or data on

the application program generating the message.

14.   As to claim 5, Hoffpauir teaches the signaling data and/or the call data contain a

data block, and wherein, in addition to data to be transmitted, the data block preferably

contains further data with the aid of which the data block can be assigned to one more

application programs [and signaling information may be exchanged and is controlled

and monitored by the call processor 54; col. 16, line 55 – col. 17, line 5].

15.   As to claim 7, Hoffpauir teaches two second application programs with identical

different command sequences are used [call processing application 54 includes various

software objects; col. 14, lines 37 – 57], wherein the application program exchanges

signaling data and/or call data with the second application programs via a common or a

plurality of message interfaces [BSC 50 is responsible for management of the BTSs 20

and their radio interfaces with subscriber units 22; col. 14, lines 37 – 57], and wherein

the same command sequence preferably used in the case of second application

programs with identical command sequences [col. 14, lines 5 – 57].

16.   As to claims 8 and 9, Hoffpauir teaches a terminal [call processor; col. 10, lines

17 – 46] for an exchange [telecommunications system 14, Fig. 2; col. 9, lines 25 – 50],

in particular for carrying out method as claimed in claim 1 comprising,

        one subscriber line [telecommunications lines; col. 17, lines 57 – 67] for

connecting a first subscriber [subscriber unit 22; col. 4, lines 43 – 54],

        one further connection for setting up a transmission channel to a second

subscriber [one or more of the BTSs 20 and subscriber units 22, a wireless

telecommunications switch that may generally be defined to include the remaining

components; col. 5, lines 5 – 23],

        application programs for executing switching operations, to which signaling at the

subscriber line and method steps for call processing belong [switching module 64 may

be implemented in software; col. 17, lines 5 – 39],

        wherein signaling data generated during signaling is used when processing a

call, or call data generated during call processing is used when signaling [col. 19, line 1

– 25],

        and further comprising an operating system controlling the flow of the application

programs [col. 10, lines 17 – 46],

wherein the signaling data and/or the call data [col. 14, lines 37 – 57] are

transferred to at least one message interface [resource manager application 58; col. 14,

lines 37 – 57] by using the operating system [col. 10, lines 17 – 46].

17.   As to claim 10, Hoffpauir teaches signaling is executed by a first application

program [signaling application 56 provides the logic needed to provide signaling

functionality; col. 13, lines 35 – 60], and wherein call processing is executed by a

second application program [call processing application 54 includes various software

objects... the BSC 50 is responsible for management of the BTSs 20 and their radio

interfaces with subscriber units 22, including the allocation and release of radio

channels; col. 14, lines 37 – 57].

18.   As to claim 11, Hoffpauir teaches an exchange comprising a terminal unit

[telecommunications system 14, Fig. 2; col. 9, lines 25 – 50].

Claim Rejections - 35 USC § 103

19.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

20.   **Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffpauir in view of U.S. Patent No. 6,516,355 to Hartmann et al. [hereinafter Hartmann].**

21.   As to claim 6, Hoffpauir the first application programs exchange signaling data and/or call data with second application programs via a common or a plurality of message interfaces [BSC 50 is responsible for management of the BTSs 20 and their radio interfaces with subscriber units 22; col. 14, lines 37 – 57] and wherein that same command sequence preferably executed during processing the second application programs [col. 14, lines 5 – 57]. Hoffpauir does not specifically teach support for different protocols.

However, Hartmann teaches two first application programs are used for signaling with the aid of different protocols [switching engines according to the invention all communicate with a generic message protocol of the invention and each switching engine communicates with a particular brand of digital switch; col. 5, line 65 – col. 6, line 19].

22.   It would have been obvious to a person of ordinary skill in the art at the time of the invention to apply the teaching of application programs for signaling with the aid of different protocols as taught by Hartmann to the invention of Hoffpauir because this provides a generic API for controlling a digital switch and a number of switching engines for controlling different switches [col. 9, lines 58 – 63 of Hartmann].

Conclusion

23.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

U.S. Patent No. 6,119,187 to Hebert teaches a universal host-to-switch

application program interface (API) utilizing a generic message format for performing

call control processing and capable of being customized to meet telecommunications

application and network signaling protocol requirements.

U.S. Patent No. 6,311,238 to Hebert teaches a standardized host-to-switch

application program interface (API) for performing call control processing, capable of

being customized to meet telecommunications application and network signaling

protocol requirements.

U.S. Patent No. 6,745,228 to Riddle teaches a method and apparatus for

listening on multiple network/conferencing protocols and/or interfaces.

U.S. Statutory Invention Registration No. H1,895 teaches an application provider

and method for communication between a first sub-system and a second sub-system of

a common node.

U.S. Statutory Invention Registration No. H1,897 teaches a merged operations

and maintenance center.

U.S. Statutory Invention Registration No. H1,896 teaches a network

management system server of a telecommunications system.

24.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768.
The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for
the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

Li B. Zhen
Examiner
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